

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC EUGENE SMALL,

Petitioner

v.

DEREK F. OBERLANDER, *et al.*,

Respondents

Civil No. 3:22-cv-259

(Judge Mariani)

**FILED**  
**SCRANTON**

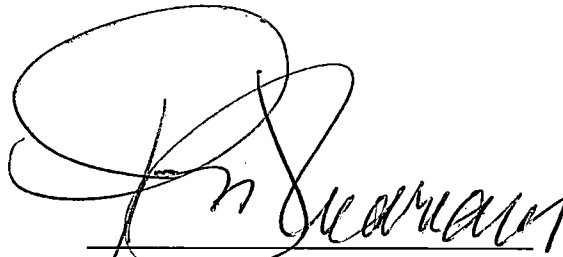
FEB 24 2022

Per   
DEPUTY CLERK

**ORDER**

AND NOW, this 24<sup>th</sup> day of February, 2022, upon consideration of Petitioner's motion (Doc. 3) to stay, wherein he requests that his federal habeas petition be held in abeyance while he exhausts his state court claims, and upon further consideration of the docket entries in the Court of Common Pleas of Dauphin County electronic docket sheet number CP-22-CR-0001458-2011, <https://ujportal.pacourts.us/>, and it being clear that Petitioner is presently pursuing claims in a second Post-Conviction Relief Act ("PCRA") Petition, 42 Pa. Cons. Stat. §§ 9541-46, that are inextricably intertwined with certain claims raised in the instant petition for writ of habeas corpus, and it appearing that it is appropriate to stay this matter in accordance with the stay and abeyance rule announced in *Crews v. Horn*, 360 F.3d 146, 151 (3d Cir. 2004) (finding that "[s]taying a habeas petition pending exhaustion of state remedies is a permissible and effective way to avoid barring from federal court a petitioner who timely files a mixed petition"), **IT IS HEREBY ORDERED THAT:**

1. Petitioner's motion (Doc. 3) to stay is **GRANTED**.
2. This action is **STAYED** pending further Order of Court.
3. Within sixty (60) days of the date on which his state post-conviction remedies conclude, Petitioner shall **FILE** in federal court a notice apprising the Court of the completion date of state court proceedings and whether he intends on pursuing his federal habeas petition.
4. Failure to comply with the time requirements set forth above will result in the stay being vacated *nunc pro tunc*. *Crews*, 360 F.3d at 154, *citing Zarvela v. Artuz*, 254 F.3d 374, 380 (2d Cir. 2001).
5. The Clerk of Court is directed to **CLOSE** this case for statistical purposes only.

A handwritten signature in black ink, appearing to read 'R. Mariani', is written over a horizontal line.

Robert D. Mariani)  
United States District Judge